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Attorneys for Plaintiff
SONJA ALVAREZ

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SALVADOR SILVA, DECEASED, by and through)
his Successor in Interest, SONJA ALVAREZ,)
SONJA ALVAREZ, Individually,)

Plaintiff,

vs.

SAN JOAQUIN COUNTY, a public entity; SAN)
JOAQUIN COUNTY SHERIFF-CORONER)
PATRICK WITHROW, in his individual and official)
capacities; ROBERT HART, M.D.; FOZIA NAR,)
L.V.N.; MARY CEDANA, R.N.; SARAI)
HARDWICK, L.V.N.; CYNTHIA BORGES-)
ODELL, MFT; NICHOLE WARREN, P.T.;)
MANUEL RODRIGUEZ-GALAVIZ, MFT;)
MARICEL MAGAOAY, L.V.N.; MANDEEP)
KAUR, R.N.; CHERYL EVANS, A.S.W.;)
CHRISTEL BACKERT, FNP; ROBYN MENDOZA,)
NP, and DOES 1–20; individually, jointly, and)
severally,)

Defendants.

Case No. 2:20-cv-01461-JAM-CSK

**STIPULATION AND ORDER TO
MODIFY PRETRIAL
SCHEDULING ORDER (ECF
Nos. 33, 37, 42, 45, 48, 55)**

1 All parties, by and through their counsel of record, stipulate and hereby move this Court to
2 modify its April 9, 2024, Scheduling Order (ECF No. 55). Good cause exists to grant the requested
3 extension:
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5 1. This is a civil rights, wrongful death, and survival action arising from the suicide of
6 pretrial detainee, Salvador Silva, on August 1, 2019, at the San Joaquin County jail.

7 2. This case involves thirteen named Defendants. The parties previously informed the
8 Court of their difficulties scheduling discovery in this matter, due to the medical conditions of some
9 Defendants and witnesses, the death of Plaintiff's counsel's father, repeated Covid infections, and
10 the trial preparation schedules for counsel.

11 3. Since the April 9, 2024, Order modifying the scheduling order, the mother of
12 Plaintiff's counsel, Michael J. Haddad, has died. Mr. Haddad has also been informed that he
13 requires surgery that has been scheduled for May 13, 2024. Plaintiffs' counsel, Michael J. Haddad
14 and Julia Sherwin, are married. Mr. Haddad's mother was very ill in recent months, requiring
15 repeated trips by Plaintiffs' counsel to Detroit, Michigan, to be with her. She passed on April 13,
16 2024, and Plaintiffs' counsel are going to Detroit for her funeral, which is April 26, 2024.

17 4. In addition, Mr. Haddad's required surgery will entail three weeks of post-operative
18 care at home. Ms. Sherwin is required to care for Mr. Haddad for the first two weeks of his post-
19 operative period. Therefore, Mr. Haddad will be unavailable from May 13, 2024, through and
20 including May 31, 2024. Ms. Sherwin will be unavailable from May 13, 2024, through and
21 including May 24, 2024.

22 5. In addition, Ms. Sherwin has a long-planned trip out of the country from June 10,
23 2024, through June 24, 2024, for her friend's 70th birthday.

24 6. The current fact discovery cutoff is May 31, 2024. The parties have scheduled a
25 mediation with Richard Copeland for May 31, 2024. The parties have agreed, to avoid incurring
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attorneys' fees and costs and consuming the time and resources of the Court, which may be unnecessary in the event the case settles, to conduct the mediation before expert discovery and before the filing of any dispositive motions.

7. There are a few liability fact witnesses remaining to be deposed, and several damages fact witnesses remaining to be deposed. The parties stipulate and agree to postpone all but one of these depositions until after the mediation, to conserve attorneys' fees and costs. The parties agree to continue the fact discovery cutoff to the same date as the expert discovery cutoff, June 28, 2024.

8. The parties are represented by experienced counsel who have worked cooperatively together throughout this litigation and will continue to do so.

9. With guidance from the Court, the parties request a continuance of the deadlines in this case, as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Expert Disclosures	March 29, 2024	No change
Rebuttal Expert Disclosures	April 26, 2024	No change
Joint Mid-Litigation Statement (two weeks before discovery cutoff)	May 17, 2024	June 14, 2024
Expert Discovery Cutoff	June 28, 2024	No change
Fact Discovery Cutoff	May 31, 2024	June 28, 2024
Dispositive Motion Filing	June 4, 2024	No change
Dispositive Motion Hearing	July 9, 2024, 1:00 p.m.	No change
Final Pretrial Conference	July 26, 2024, at 10:00 a.m.	No change
Trial	August 26, 2024, at 9:00 a.m.	No change

1 For the foregoing reasons, the parties respectfully request that this Court enter an order
2 modifying the Scheduling Order in this case as set forth above.

3 Dated: April 23, 2024

HADDAD & SHERWIN LLP

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5 */s/ Julia Sherwin*

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JULIA SHERWIN

7 Attorneys for Plaintiff

8 Dated: April 24, 2024

BURKE, WILLIAMS & SORENSON, LLP

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10 */s/ Gregory R. Aker*

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GREGORY R. AKER

12 Attorneys for Defendants
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ORDER

Based on the parties' stipulation, and with good cause appearing, the Pretrial Scheduling Order is **MODIFIED** as follows:

<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Expert Disclosures	March 29, 2024	No change
Rebuttal Expert Disclosures	April 26, 2024	No change
Joint Mid-Litigation Statement (two weeks before discovery cutoff)	May 17, 2024	June 14, 2024
Expert Discovery Cutoff	June 28, 2024	No change
Fact Discovery Cutoff	May 31, 2024	June 28, 2024
Dispositive Motion Filing	June 4, 2024	No change
Dispositive Motion Hearing	July 9, 2024, 1:00 p.m.	No change
Final Pretrial Conference	July 26, 2024, at 10:00 a.m.	No change
Trial (10-15 Days)	August 26, 2024, at 9:00 a.m.	No change

All other instructions contained in the November 02, 2020, Pretrial Scheduling Order (ECF No. 10) shall remain in effect.

IT IS SO ORDERED.

Dated: April 25, 2024

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE